

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Smurfit-Stone Flexible  
Packaging  
Schaumburg, Illinois

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) **NOTICE OF VIOLATION**  
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) **EPA-5-03-14-IL**  
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Proceedings Pursuant to  
Section 113(a)(1) of the  
Clean Air Act, 42 U.S.C.  
§ 7413(a)(1)

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**NOTICE OF VIOLATION**

The United States Environmental Protection Agency (U.S.EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). U.S.EPA finds that Smurfit-Stone Flexible Packaging (Smurfit) is violating the Illinois State Implementation Plan (SIP), as follows:

**Statutory and Regulatory Background**

1. On September 9, 1994, U.S. EPA approved 35 Ill. Admin. Code Part 218, as part of the federally enforceable SIP for Illinois. 59 Fed. Reg. 46562. This includes 35 Ill. Admin. Code §§218.401-404, Subpart H, which contains requirements applicable to printing and publishing operations.
2. 35 Ill. Admin. Code § 218.401(c)(2) states that no owner or operator of a subject flexographic, packaging rotogravure or publication rotogravure printing line which uses an incineration system and is equipped with a capture and control device shall operate the subject printing line unless the owner or operator reduces the captured VOM emissions by at least 90 percent by weight.
3. 35 Ill. Admin. Code § 218.402(a) states that the limitations of 35 Ill. Admin. Code § 218.401 apply to all flexographic and rotogravure printing lines at a subject source if the maximum theoretical emissions of VOM from all printing lines ever exceed 100 tons per year, or the potential to emit is 25 tons per year or more of VOM.
4. On October 12, 2001, U.S. EPA approved 35 Ill. Admin. Code Part 205, Emissions Reduction Market System (ERMS), as part

of the federally enforceable SIP for Illinois. 66 Fed. Reg. 52359. This rule establishes a trading program for major sources of VOC emissions.

5. 35 Ill. Admin. Code § 205.300(a) states that, by November 30 of each year, owners and operators of sources participating in the ERMS program that generate VOM emissions from greater than 10 emission units shall submit, as a component of an Annual Emissions Report, seasonal emissions information for each seasonal allotment period.
6. Under 35 Ill. Admin. Code § 205.300(b) states that the seasonal emissions component of the Annual Emissions Report shall contain the following information for the preceding seasonal allotment period for each emission unit emitting or capable of emitting VOM: 1) actual seasonal emissions of VOM from the source; and 2) a description of the methods and practices used to determine VOM emissions.
7. 35 Ill. Admin. Code § 205.150(b) establishes a "reconciliation period" during which the participating source shall: 1) compile data of actual VOM emissions during the immediately preceding seasonal allotment period; and 2) submit its seasonal emissions component of its Annual Emissions Report, in accordance with Section 205.300. This provision also states that the reconciliation period is from October 1 to December 31, annually.
8. 35 Ill. Admin. Code § 205.150(c)(1) states that, at the end of each reconciliation period, each participating source shall hold allotment trading units (ATUs) in an amount not less than its VOM emissions during the preceding seasonal allotment period.
9. 35 Ill. Admin. Code § 205.400 provides that Illinois EPA shall determine each participating source's allotment per seasonal allotment period.

#### **Smurfit's Facility**

10. Smurfit owns and operates a printing facility located at 1228 East Tower Road, Schaumburg, Illinois.
11. Smurfit's Schaumburg, Illinois facility contains rotogravure and flexographic printing lines which are equipped with a capture system and control device. These include rotogravure unit numbers 100, 110, 200 and 210.

12. The maximum theoretical VOM emissions from Smurfit's rotogravure and flexographic printing lines exceed 100 tons per year; the potential VOM emissions from Smurfit's rotogravure and flexographic printing lines exceed 25 tons per year.
13. On July 11, 2002, U.S. EPA issued a Request for Information to Smurfit under Section 114 of the Act. The Request for Information required Smurfit to conduct capture and destruction efficiency testing on all the rotogravure and flexographic presses at its Schaumburg facility to determine compliance with applicable SIP requirements. This included testing on the thermal oxidizer that controls rotogravure units #'s 100, 110, 200 and 210.
14. During the week of September 23, 2002, Smurfit performed capture and destruction efficiency testing on the thermal oxidizer as required by U.S. EPA's July 11, 2002 Request for Information.
15. The results of the testing show the thermal oxidizer is operating with an average destruction efficiency of 87.1%.
16. Illinois EPA has determined that, under 35 Ill. Adm. Code §205.400, Smurfit's allotment from the printing facility is 200 ATUs of VOM per seasonal allotment period.
17. Smurfit reported actual seasonal emissions of 245 ATUs from the thermal oxidizer for 2002.
18. Smurfit purchased 45 ATUs of VOM during the reconciliation period in 2002.
19. Based on the results of the September 23, 2002 thermal oxidizer testing, Smurfit should have held no less than 510 ATUs at the end of the 2000 reconciliation period; 536 ATUs at the end of the 2001 reconciliation period; and 496 ATUs at the end of the 2002 reconciliation period.

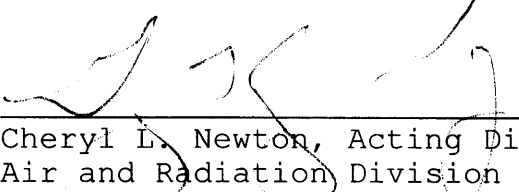
#### **Violations**

20. Smurfit has operated its rotogravure units numbers 100, 110, 200 and 210 with a VOM destruction efficiency of less than 90 percent by weight, in violation of 35 Ill. Admin. Code § 218.401(c)(2).
21. Smurfit has failed to reflect actual seasonal emission of

VOM in the 2000, 2001 and 2002 Seasonal Emissions Report, in violation of 35 Ill. Admin. Code § 205.300(b).

22. Smurfit has failed to hold the correct number ATUs to reflect the actual seasonal emissions at the source for 2000, 2001 and 2002, in violation of 35 Ill. Admin. Code § 205.150(c)(1).

6/3/03  
Date

  
Cheryl L. Newton, Acting Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Betty Williams, certify that I sent a Notice of Violation and Finding of Violation, No. EPA-5-03-14-IL and EPA-5-03-15-IL, by Certified Mail, Return Receipt Requested, to:

Norman Humitz  
Environmental Manager  
Smurfit Stone Flexible Packaging  
1228 East Tower Road  
Schaumburg, Illinois 60173

I also certify that I sent copies of the Notice of Violation and Finding of Violation , by first class mail to:

Julie Armitage, Acting Manager  
Compliance and Enforcement Section  
Illinois Environmental Protection Agency  
1021 North Grand Avenue  
Springfield, Illinois 62702

on the 4<sup>th</sup> day of June, 2003.

  
Betty William, Secretary  
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0178 3141